

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 21-cr-30 (DWF/TNL)

Plaintiff,

v.

ORDER

Jess Robert Bohlman,

Defendant.

This matter comes before the Court on Defendant Jess Robert Bohlman's Motion for Continuance of Motion Filing Date (ECF No. 16). Defendant requests a three-day continuance of the motion filing date from Friday, March 12 to Monday, March 15, 2021, due to difficulties conducting meetings with his counsel by video. (ECF No. 16 at 1.) These technical difficulties prevented Defendant and his counsel from completing their review of discovery materials, including large PDFs and video files. (*Id.*) Defendant and his counsel expect to complete their review of the discovery by March 15. (*Id.*) The Government does not object to this brief continuance of the motion filing date. (*Id.*)

Additionally, beginning on March 13, 2020, and continuing thereafter, the Honorable John R. Tunheim, Chief District Judge for the United States District Court for the District of Minnesota, has issued a series of General Orders in connection with the COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

On February 12, 2021, Chief Judge Tunheim entered General Order No. 26, which continues all in-person hearings, unless the presiding judge determines that an in-person hearing is necessary, through May 2, 2021, and orders that no new criminal trial may commence before May 3, 2021. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 26 (D. Minn. Feb. 12, 2021).

General Order No. 26 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available.² General Order No. 26 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19. **Accordingly, should Defendant file pretrial motions, counsel shall also file a letter indicating whether Defendant consents to a motion hearing by videoconference.**

Defendant also requests that this continuance be excluded from the computation of time under the Speedy Trial Act. (ECF No. 16 at 1.) Defendant, however, does not request a continuance of the motion hearing date. Thus, the Court denies the motion without

² See also General Order No. 19, which went into effect on September 26, 2020, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota," *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 19 (D. Minn. Sept. 25, 2020); General Order No. 24, which went into effect on December 25, 2020, vacated General Order No. 19, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota." *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 24 (D. Minn. Dec. 22, 2020).

prejudice to the extent Defendant seeks to exclude time under the Speedy Trial Act where there has been no request to continue the motion hearing currently scheduled for April 8, 2021.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance of Motion Filing Date (ECF No. 16) is **GRANTED IN PART** and **DENIED IN PART WITHOUT PREJUDICE**.
2. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **March 15, 2021**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.
3. **Should Defendant file pretrial motions, counsel shall also file a letter on or before March 15, 2021, indicating whether Defendant consents to a motion hearing by videoconference.**
4. Counsel shall electronically file a letter on or before **March 15, 2021**, if no motions will be filed and there is no need for hearing.
5. All responses to motions shall be filed by **March 29, 2021**. D. Minn. LR 12.1(c)(2).
6. Any Notice of Intent to Call Witnesses shall be filed by **March 29, 2021**. D. Minn. LR 12.1(c)(3)(A).
7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **April 5, 2021**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. **If required, the motions hearing shall take place before the undersigned on April 8, 2021, at 1:30 p.m., in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, MINNEAPOLIS, Minnesota. D. Minn. LR 12.1(d).**

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10. **TRIAL:**

- a. IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT: the following trial and trial-related dates are:**

All voir dire questions and jury instructions must be submitted to District Judge Donovan W. Frank on or before **April 16, 2021**.

This case must commence trial on **April 26, 2021, at 9:00 a.m.** before District Judge Frank in Courtroom 7C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

- b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Frank to confirm the new trial date.**

Dated: March 15, 2021

s/Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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